

Message

From: Daniell, Kelsi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CD867173479344B3BDA202B3004FF830-DANIELL, KE]
Sent: 4/3/2018 6:59:29 PM
To: David Schwietert [DSchwietert@autoalliance.org]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]; Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]
Subject: RE: Great to meet you

Thanks, Dave.

From: David Schwietert [mailto:DSchwietert@autoalliance.org]
Sent: Tuesday, April 3, 2018 2:58 PM
To: Daniell, Kelsi <daniell.kelsi@epa.gov>
Subject: RE: Great to meet you

Thanks so much Kelsi.

Here's the chart that Mitch used during his remarks and the Real Clear Politics piece that ran earlier today on the fuel economy standards.

Very much appreciate the Administrator's efforts

Dave

https://www.realclearpolitics.com/articles/2018/04/03/revisiting_of_fuel_standards_is_not_a_rollback_136688.html

Revisiting of Fuel Standards Is Not a Rollback

COMMENTARY

By Mitch Bainwol
April 03, 2018

Washington is a town where truth can be elusive. Ideological agendas and herd reporting often distort issues. When it comes to auto policy, especially in today's highly charged political environment, sensationalism routinely warps reality. Here's an example:

Contrary to the breathless coverage of the Trump administration's action to revisit fuel economy and greenhouse gas emission standards, this decision actually fulfills key promises made by the prior administration. Early in Barack Obama's first term in office, automakers agreed with the president to establish long-term fuel

economy targets stretching out to 2025. This bold plan, requiring massive investment by automakers to achieve a social goal we embraced -- addressing climate change -- came with two prudent obligations by policymakers.

First, President Obama and his team committed to undertake a midterm review halfway through the timeframe (2018) to check government predictions against reality and use that information to set standards for 2022-2025. The midterm look-back recognized the challenge of forecasting market and technology factors long into the future, as well as the importance of using evidence-based analysis because the economic stakes were so significant.

Second, policymakers made a commitment to harmonize three regulatory programs that effectively serve the same purpose – managing fuel efficiency/carbon. National Highway Traffic Safety Administration, EPA and California’s Air Resources Board all regulate emissions, but in different ways and with different timelines. Redundant government programs drive compliance costs up and that ultimately comes out of the wallets of our customers. The Obama administration stated in writing: “Continuing the National Program ensures that auto manufacturers can build a single fleet of U.S. vehicles that satisfy requirements of both federal programs as well as California’s program.”

Both of these commitments made sense. The agreement was sound. The goals were shared. And the plan was launched. But something funny happened on the way to the forum.

After the 2016 election, EPA chose to short-circuit the midterm analysis and advance a finding nearly 18 months before it was due. Politics took hold; marketplace realities were ignored. The federal program itself was split, with EPA jumping ahead of NHTSA. The original estimated targets were then justified and rushed through, irrespective of contradictory but salient market developments and irrespective of NHTSA’s role in the process. Both commitments – the midterm and One National Program – were abrogated.

The market reality is clear. No factor is more relevant than gas prices, which remain significantly lower than projected. In reaction, consumers are buying more SUVs and trucks, bigger engines and fewer alternative powertrains than regulators expected. When the EPA issued the premature determination early last year, it trumpeted the statistic that automakers were over-complying. Weeks later, government reports indicated that statistic was no longer operative, and, for the first time, automakers missed the emissions targets despite achieving record fuel economy. Since then, compliance has slipped even further.

Remember, the government evaluates automakers on fuel economy standards by what consumers buy – not what automakers put in dealer showrooms. In short, the buying pattern of the American public has demonstrated that a rigid adherence to the standards -- as originally contemplated nearly a decade ago -- is inconsistent with market realities.

Moreover, two or three different regulatory rule sets make no sense. As such, we enthusiastically embrace the idea of One National Program. We did so when we signed up in 2011. We did so in the days immediately after the 2016 election and we do so now. Nothing has changed. Writing to the Trump transition team in November of 2016, we asked that “the White House lead efforts with EPA, NHTSA, CARB and the automakers on finding a pathway forward regarding the standards for 2022 MY and beyond.”

Here we are, in April of 2018, the precise point at which the previous administration suggested a judgment be reached about whether to adjust the standards. The new administration has spent a year conducting research, looking at the unfolding data – and has reached the determination that adjustments are warranted.

“Adjustments” are not rollbacks. We favor standards that increase year over year. The industry is committed to ongoing progress in a journey that has no end date. After all, we have invested substantially in energy-efficient technologies that we would like to see consumers embrace. We expect that fuel economy will keep rising. The only issue is at what speed. We do not buy the view that the 2012 projections were perfect and that conditions are unchanged. On the contrary, the projections were materially imperfect and conditions have fundamentally changed.

Even so, no matter how these standards ultimately adjust, the fuel savings through 2025 will likely achieve at least 97 percent of the original estimates. That’s because there is profoundly more savings realized on the front end of the curve than on the back end – as moving from 10 to 20 miles per gallon produces 10 times more savings than moving from 40 to 50 miles per gallon.

We asked administration officials to look at the data and base their decision on marketplace realities. They have. We asked them to work with California to try to find a policy outcome that works for both. They are embarked on that mission. Let’s give that a try. Too much is at stake to let politics and overheated rhetoric get in the way.

Mitch Bainwol is president and CEO of the Auto Alliance, the leading automotive advocacy group composed of 12 automakers.

From: Daniell, Kelsi <daniell.kelsi@epa.gov>
Sent: Tuesday, April 03, 2018 2:56 PM
To: David Schwietert <DSchwietert@autoalliance.org>
Subject: Great to meet you

David – Great to meet you this morning. Thanks to you and your team for participating. Don’t hesitate to reach out if you need anything!

Thanks
Kelsi

Kelsi Daniell
Press Secretary
Administrator Scott Pruitt
202-564-2413
daniell.kelsi@epa.gov

Message

From: Lucas, Fred [Fred.Lucas@heritage.org]
Sent: 4/3/2018 6:05:53 PM
To: Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]
Subject: RE: memo

Great. Thank you.

Fred Lucas
White House Correspondent
The Daily Signal
Mobile: **Ex. 6**
Twitter: @FredLucasWH
Email: Fred.Lucas@DailySignal.com

Fred Lucas
White House Correspondent
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
Ex. 6
heritage.org

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: Tuesday, April 03, 2018 2:04 PM
To: Lucas, Fred
Subject: RE: memo

See attachment along with the two statements below.

"As EPA career ethics officials stated in a memo, Administrator Pruitt's housing arrangement for both himself and family was not a gift and the lease was consistent with federal ethics regulations." – EPA spokesman, Jahan Wilcox

"I don't conclude that this is a prohibited gift at all. It was a routine business transaction and permissible even if from a personal friend." - EPA Career Senior Counsel for Ethics, Justina Fugh (03/29/18)

From: Lucas, Fred [mailto:Fred.Lucas@heritage.org]
Sent: Tuesday, April 3, 2018 1:58 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: memo

Hi. Just wanted to circle back with you about the career ethics staff memo.

Would appreciate if you could send. Thanks.

Fred Lucas
White House Correspondent
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
Ex. 6
heritage.org

Message

From: Lucas, Fred [Fred.Lucas@heritage.org]
Sent: 4/3/2018 12:29:58 AM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, E]
CC: Gordon, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7c8fb4d82bff4eec98f5c5d00a47f554-Gordon, Ste]; Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]
Subject: RE: Urgent regarding tomorrow

I will be there.
Thanks.

Fred Lucas
White House Correspondent
The Daily Signal
Mobile: [REDACTED] Ex. 6
Twitter: @FredLucasWH
Email: Fred.Lucas@DailySignal.com

Fred Lucas
White House Correspondent
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
[REDACTED] Ex. 6
heritage.org

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: Monday, April 02, 2018 8:26 PM
To: Bennett, Tate
Cc: Gordon, Stephen
Subject: Urgent regarding tomorrow

Hi All – apologies for the very last minute email re: a location change. We will now be hosting this event at EPA HQ located at 1200 Pennsylvania NW at 10:30 AM tomorrow.

Directions: Please use the William Jefferson Clinton South Entrance located on your left as you exit the Federal Triangle Metro Station. Please arrive 20 minutes prior to the meeting with photo IDs to clear security.

Please confirm your attendance by replying all (to Stephen and I) with your first and last name. This invite is invitation only.

My cell is [REDACTED] Ex. 6 if you have any trouble.

Tate

Message

From: Lucas, Fred [Fred.Lucas@heritage.org]
Sent: 4/2/2018 3:10:58 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, E]
CC: Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]; Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]
Subject: RE: Connecting you

Thank you. Please let me know the basics on the place and time.
Also, would appreciate any time he might have to talk afterwards.
Thanks.

Fred Lucas
The Daily Signal

Cell:

Fred Lucas
White House Correspondent
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

heritage.org

From: Bennett, Tate <Bennett.Tate@epa.gov>
Sent: Monday, April 2, 2018 10:47 AM
To: Fred Lucas (DailySignal) <Fred.Lucas@dailysignal.com>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Bluey, Rob <rob.bluey@heritage.org>; Konkus, John <konkus.john@epa.gov>
Subject: Connecting you

Hey Fred!

Wanted to connect you with our comms folks for tomorrow. I will have an address for you shortly, but plan on everything starting 10:30 AM.

Tate

Message

From: Allen, Jared [jallen@NADA.org]
Sent: 4/2/2018 3:02:55 PM
To: Julia Rege [jrege@globalautomakers.org]; David Schwietert [DSchwietert@autoalliance.org]; Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]
CC: gpohanka@pohanka.com; Gordon, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7c8fb4d82bff4eec98f5c5d00a47f554-Gordon, Ste]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Hewitt, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=41b19dd598d340bb8032923d902d4bd1-Hewitt, Jam]; Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]; Gloria Bergquist [GBERGQUIST@autoalliance.org]
Subject: Re: call today?

Hi all,

I'm free to join a call at any time now (assuming one hasn't started already).

Jared Allen
Senior Director | Media Relations
National Automobile Dealers Association

jallen@nada.org

o **Ex. 6**
m

8400 Westpark Drive
Tysons, VA 22102

nada.org



From: Julia Rege <jrege@globalautomakers.org>
Date: Monday, April 2, 2018 at 10:57 AM
To: David Schwietert <DSchwietert@autoalliance.org>, "Letendre, Daisy" <letendre.daisy@epa.gov>
Cc: "Allen, Jared" <jallen@NADA.org>, "gpohanka@pohanka.com" <gpohanka@pohanka.com>, "Gordon, Stephen" <gordon.stephen@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Hewitt, James" <hewitt.james@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>, Gloria Bergquist <GBERGQUIST@autoalliance.org>
Subject: RE: call today?

Works for me as well.

Best, Julia

Ex. 6 (direct)

jrege@globalautomakers.org

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From: David Schwietert <DSchwietert@autoalliance.org>

Sent: Monday, April 2, 2018 10:29 AM

To: Letendre, Daisy <letendre.daisy@epa.gov>

Cc: Allen, Jared <jallen@NADA.org>; Julia Rege <JRege@globalautomakers.org>; gpohanka@pohanka.com; Gordon, Stephen <gordon.stephen@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Gloria Bergquist <GBERGQUIST@autoalliance.org>

Subject: Re: call today?

Sounds good. Will standby for a number

Dave

On Apr 2, 2018, at 10:23 AM, Letendre, Daisy <letendre.daisy@epa.gov> wrote:

Good Morning –

I hope everyone had a great Easter weekend! I wanted to reach out to see if it might be possible to jump on a call at 11:00 or 11:30 this morning re: tomorrow's MTE event and what to expect. It would be good to invite your comms staff as well if they're available. If this time works for most folks I'll circulate a dial-in #.

Thanks!

Daisy C. Letendre

Senior Advisor for Policy and Strategic Communications

U.S. Environmental Protection Agency

Office of the Administrator

Office of Policy

202.564.0410 (O)

Ex. 6 (C)

Message

From: Jim Lakely [JLakely@heartland.org]
Sent: 2/14/2018 12:10:40 AM
To: Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]
CC: Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]
Subject: RE: Heartland at EPA Listening Session in Kansas City

Thanks, Michael and John. Much appreciated.

Jim Lakely
Director of Communications
The Heartland Institute
3939 North Wilke Drive
Arlington Heights, IL 60004
O: **Ex. 6**
C:
Twitter: @HeartlandInst

From: Abboud, Michael [mailto:abboud.michael@epa.gov]
Sent: Tuesday, February 13, 2018 9:06 AM
To: Jim Lakely
Cc: Konkus, John
Subject: RE: Heartland at EPA Listening Session in Kansas City

Hey Jim, you can have Isaac register at the link below. The time limit on comments is 5 minutes. I'll be in Kansas City, if you would like to connect Isaac with me I would love to meet him.

<https://www.epa.gov/stationary-sources-air-pollution/forms/kansas-city-listening-session-repealing-clean-power-plan>

If you have anyone attending the San Francisco or Gillette hearings you can have them register at this link below.

<https://www.epa.gov/stationary-sources-air-pollution/listening-sessions-repealing-clean-power-plan>

Michael Abboud
U.S. Environmental Protection Agency
Office of Public Affairs
M: **Ex. 6**

From: Jim Lakely [mailto:JLakely@heartland.org]
Sent: Friday, February 9, 2018 6:05 PM
To: Konkus, John <konkus.john@epa.gov>
Subject: Heartland at EPA Listening Session in Kansas City

John,

I hope you are doing well. Keep up the great work!

I'm just dropping you a line to let you know that Heartland Research Fellow for Energy Policy Isaac Orr is going to be at the Kansas City Listening Session on February 21. Can you help us get him on the schedule for offering comments? If that can happen, what's the ideal length of such a comment?

Best,

Jim Lakely
Director of Communications
The Heartland Institute
3939 North Wilke Drive
Arlington Heights, IL 60004

o: **Ex. 6**
c:

Twitter: @HeartlandInst

Message

From: Isaac Orr [IOrr@heartland.org]
Sent: 2/14/2018 5:04:32 PM
To: Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]
CC: Jim Lakely [JLakely@heartland.org]
Subject: CPP Repeal Kansas City

Dear Micheal,

Jim Lakely forwarded your email to me about meeting in Kansas City. I have registered for the event and will keep you updated on my speaking time slot so we can connect before or afterward.

Isaac

Isaac Orr
Research Fellow
The Heartland Institute

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Message

From: Hewitt, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=41B19DD598D340BB8032923D902D4BD1-HEWITT, JAM]
Sent: 1/9/2018 8:57:44 PM
To: Bluey, Rob [rob.bluey@heritage.org]
CC: Mike Thompson [mthompson@CRCPublicRelations.com]; Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]
Subject: Re: Great meeting today

Great thanks for arranging Rob. Also thanks for the share!

Sent from my iPhone

On Jan 9, 2018, at 3:54 PM, Bluey, Rob <rob.bluey@heritage.org> wrote:

Yes, we could do these on the first Tuesday of each month. Let me confirm a few things on our end before we send a calendar invite and check with Patrick.

FYI: <http://dailysignal.com/2018/01/09/trumps-epa-course-retire-half-staff/>

Rob Bluey

Vice President, Communications, and Editor-in-Chief, The Daily Signal

The Heritage Foundation

214 Massachusetts Avenue, NE

Washington, DC 20002

Ex. 6

heritage.org



From: Mike Thompson [mailto:mthompson@CRCPublicRelations.com]

Sent: Tuesday, January 9, 2018 3:08 PM

To: Hewitt, James <hewitt.james@epa.gov>

Cc: Abboud, Michael <abboud.michael@epa.gov>; Bluey, Rob <rob.bluey@heritage.org>

Subject: Re: Great meeting today

Thanks. Looping in Rob to make sure scheduling works inside the building and for his life.

On Jan 9, 2018, at 2:25 PM, Hewitt, James <hewitt.james@epa.gov> wrote:

Mike,

Great meeting with you today. I think we can move forward with scheduling these meetings once a month on the first Tuesday. If possible, could you also reach out to Patrick Hedger, the director of policy, at Freedom Works? We were in talks with him about doing a similar meeting with conservative groups. His email is phedger@freedomworks.org.

I've also cc'd my colleague Michael Abboud who is also a press secretary here.

Thanks and look forward to meeting with you in the future!

Best,
James

James Hewitt
Environmental Protection Agency
Press Secretary

Ex. 6

Message

From: Annie Dwyer [Annie.Dwyer@cei.org]
Sent: 10/17/2017 12:07:52 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, E]
CC: Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]
Subject: Re: Press

Clean Power Plan oped by Marlo Lewis at Washington Examiner: <http://www.washingtonexaminer.com/repealing-the-clean-power-plan-will-benefit-all-americans/article/2637612>

"Environmental Protection Agency Administrator Scott Pruitt's proposal to repeal the so-called Clean Power Plan is the most notable step President Trump and his team have taken to date to end the Obama administration's unlawful and economically destructive war on affordable energy.

"Although there is no shortage of policy reasons to repeal the Clean Power Plan, which promises lots of economic pain for no discernible environmental gain, Pruitt is proposing repeal chiefly because the plan exceeds the legal authority delegated to the agency by Congress."

.....

"The Clean Power Plan is an unlawful power grab that forces American consumers to endure higher electric rates, fewer jobs, and a less competitive economy — and all for no detectable climate benefit. In pursuing repeal, the administration has clearly made the right call."

Annie Dwyer
Vice President of Communications
Competitive Enterprise Institute

Ex. 6

On Oct 16, 2017, at 8:46 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Thank you! Copying our comms team to update our tracker. Thanks again!

On Oct 16, 2017, at 8:41 PM, Annie Dwyer <Annie.Dwyer@cei.org> wrote:

A couple more tweets from CEI President Kent Lassman
<https://twitter.com/KentatCEI/status/920004910598557696>
<https://twitter.com/KentatCEI/status/920005287049908227>

There will also be an oped on the Clean Power Plan decision in the Washington Examiner by CEI's Marlo Lewis tomorrow. Will go up at midnight.

From: Annie Dwyer
Sent: Monday, October 16, 2017 1:31 PM
To: 'Bennett, Tate' <Bennett.Tate@epa.gov>
Subject: RE: Press

Below are some comments from CEI's William Yeatman — he's our expert on sue and settle. Bottom line—happy with this news; would love to see EPA also tackle the deadlines issue.

Tweet as well: <https://twitter.com/ceidotorg/status/919971810510172161>

Yeatman covered this issue in a [report back in August 2016](#). That's where the Obama administration numbers come from.

EPA 'Sue and Settle' Directive Is Good First Step, Must Also Focus on Agency Deadlines

October 16, 2017

Competitive Enterprise Institute Senior Fellow William Yeatman responded to the Environmental Protection Agency's [directive issued today](#) by Administrator Scott Pruitt which is "designed to end 'sue and settle' practices within the Agency," according to a press release.

"While the transparency measures and spirit of cooperative federalism are welcome first steps, more needs to be done to address the underlying problem, which is EPA's woeful performance of its meeting mandatory deadlines for regulatory programs.

"We agree with Administrator Pruitt's goal of ensuring that the agency—and not special interests—establish federal policymaking priorities. To this end, the best thing Administrator Pruitt can do is shift resources within the agency away from discretionary actions and towards meeting its mandatory deadlines.

"During the Obama administration, for example, the EPA missed 84 percent out of more than 1,000 Clean Air Act deadlines by an average of 4.3 years. The problem is that the agency's failure to meet its legal responsibilities allows environmental special interests to sue and thereby dictate regulatory priorities to the EPA.

"Any solution to this problem must start with the EPA making timely performance of its responsibilities a priority, which the agency has yet to do under any administration. If the agency determines that it has insufficient resources to implement its deadlines, then the Administrator should come to Congress for relief."

- <!--[if !supportLists]--><!--[endif]-->For more on EPA's performance of deadlines, see Yeatman's paper [The EPA's Dereliction of Duty](#).
- <!--[if !supportLists]--><!--[endif]-->For more on how the agency could work with Congress if the EPA determines that it has too many deadlines, see the final section of this law review: [Deadline Citizen Suits: An Idea Whose Time Has Expired](#).

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

Sent: Monday, October 16, 2017 12:18 PM

To: Annie Dwyer <Annie.Dwyer@cei.org>

Subject: Press

If CEI does any on Sue and Settle, can you let me know? We are going to put everything in front of Pruitt. Even tweets!

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Kuhn, Lauren [Lauren.Kuhn@heritage.org]
Sent: 9/21/2017 8:21:42 PM
To: Hupp, Millan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=92cac7b684b64f90953b753a01bee0d5-Hupp, Milla]; Graham, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=26722dfde5b34925b0ad9a8dd4aff308-Graham, Amy]
CC: Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]
Subject: RE: Connecting on email

Amy,

Thanks for connecting. I had our team remove the Administrator's name from the Agenda.

Great to know about the live stream and interview after Mr. Pruitt's remarks on Tuesday, October 17.

I will send a separate email introducing you all to the Director of Security at the property so you can put in touch with the detail.

Thank you,
Lauren

Lauren Volpe Kuhn
Senior Event Planner
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

Ex. 6
myheritage.org

From: Hupp, Millan [mailto:hupp.millan@epa.gov]
Sent: Thursday, September 21, 2017 1:46 PM
To: Graham, Amy <graham.amy@epa.gov>; Kuhn, Lauren <Lauren.Kuhn@heritage.org>
Cc: Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: Connecting on email

Wonderful. Thank you so much Amy.

Millan Hupp
Director of Scheduling and Advance
Office of the Administrator
Cell: **Ex. 6** Email: hupp.millan@epa.gov

From: Graham, Amy
Sent: Thursday, September 21, 2017 12:29 PM
To: Lauren.Kuhn@heritage.org
Cc: Abboud, Michael <abboud.michael@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>
Subject: Connecting on email

Hi Lauren – Nice chatting with you just now. Connecting us all over email so that you have everyone's contact information.

Milan – FYI, we gave the go-ahead for the email invite to members to go out today.

Thanks, all.

-Amy

Amy Graham

Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency

Graham.amy@epa.gov

202-564-4464 (office)

Ex. 6

(cell)

Message

From: Womack, Donnie [Donnie.Womack@marriott.com]
Sent: 9/26/2017 8:09:14 PM
To: Hupp, Millan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=92cac7b684b64f90953b753a01bee0d5-Hupp, Milla]; Kuhn, Lauren [Lauren.Kuhn@heritage.org]
CC: Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]; Graham, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=26722dfde5b34925b0ad9a8dd4aff308-Graham, Amy]
Subject: RE: Heritage Lunch Oct 17

Hi Millan,

I'm the Director of Security for the hotel and I will be your point of contact.

Ex. 6

From: Hupp, Millan [mailto:hupp.millan@epa.gov]
Sent: Tuesday, September 26, 2017 4:04 PM
To: Kuhn, Lauren; Womack, Donnie
Cc: Abboud, Michael; Graham, Amy
Subject: RE: Heritage Lunch Oct 17

Hi Donnie,

Will you be our security contact for this visit?

Thank you,

Millan Hupp
Director of Scheduling and Advance
Office of the Administrator
Cell: **Ex. 6** Email: hupp.millan@epa.gov

From: Kuhn, Lauren [mailto:Lauren.Kuhn@heritage.org]
Sent: Thursday, September 21, 2017 4:34 PM
To: Donnie.womack@marriott.com
Cc: Abboud, Michael <abboud.michael@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>
Subject: Heritage Lunch Oct 17

Donnie,

On Tuesday, October 17 in the Marquis Ballroom EPA Administrator Scott Pruitt will deliver remarks at our luncheon.

I wanted to put you in touch with his team so they can further connect you with his detail.

Best,
Lauren

Lauren Volpe Kuhn

Senior Event Planner

The Heritage Foundation

214 Massachusetts Avenue, NE

Washington, DC 20002

Ex. 6

myheritage.org

Message

From: Hupp, Millan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=92CAC7B684B64F90953B753A01BEE0D5-HUPP, MILLA]
Sent: 9/26/2017 8:02:44 PM
To: Kuhn, Lauren [Lauren.Kuhn@heritage.org]; Graham, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=26722dfde5b34925b0ad9a8dd4aff308-Graham, Amy]
CC: Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]
Subject: RE: Tu Oct 17- Q and A and registration

Lauren,

Completing the registration now.

Regarding the Q&A – the screened questions would be best, please.

Thank you so much,

Millan Hupp
Director of Scheduling and Advance
Office of the Administrator
Cell: Ex. 6 Email: hupp.millan@epa.gov

From: Kuhn, Lauren [mailto:Lauren.Kuhn@heritage.org]
Sent: Monday, September 25, 2017 10:49 AM
To: Graham, Amy <graham.amy@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Kuhn, Lauren <Lauren.Kuhn@heritage.org>
Subject: Tu Oct 17- Q and A and registration

Amy,

I forgot to ask, do you know what the Administrator's preference would be for Q and A:

- Live mic from the audience
- Screened – text your questions and penned on a notecard

Either way, we will have Rob Bluey facilitate.

Millan- could you please fill out this speaker registration link before COB tomorrow?

www.presidentsclubmeeting.org
Invitation code: SPKPCM

Thank you,
Lauren

Lauren Volpe Kuhn
Senior Event Planner
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
Ex. 6
myheritage.org

Message

From: Matt Ellsworth [ellsworth@miningamerica.org]
Sent: 4/20/2018 8:01:02 PM
To: Jackson.ryan@epa.gov; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Hladick, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b82d04419c42423a97bd7624a3a09908-Hladick, Ch]; Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]; Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]
CC: Laura Skaer [lskaer@miningamerica.org]
Subject: National and State Mining Group Letter to the EPA on 404c pre-permit veto.
Attachments: final Association Industry Letter on 404c.pdf



American
Exploration & Mining
Association

Please find the attached letter to Administrator Pruitt from national and state mining groups, including AEMA on the Proposed Determination Pursuant to Section 404c of the Clean Water Act for Pebble Deposit Area, Southwest Alaska (aka the EPA's proposed 404c pre-permit veto).

Thank You,

Matthew Ellsworth
Government Affairs Manager
American Exploration & Mining Association
Office: 509-624-1158, **Ex. 6**
www.MiningAmerica.org

**American Exploration and Mining Association * National Stone, Sand, and Gravel Association
Arizona Rock Products Association * Colorado Mining Association * Montana Mining Association
Mining Minnesota * Oregon Concrete and Aggregate
Texas Mining and Reclamation Association* Utah Mining Association**

April 20, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Re: Proposed Determination Pursuant to Section 404c of the Clean Water Act.

Dear Administrator Pruitt,

We call upon the U.S. Environmental Protection Agency (EPA) to withdraw the Proposed Determination Pursuant to Section 404c of the Clean Water Act for Pebble Deposit Area, Southwest Alaska.

Being on the front lines of the permitting and regulatory process, we are concerned that the EPA overreached when it initiated a preemptive Section 404(c) veto in the absence of a permit application. The action circumvented the NEPA process of scientific review, economic analysis, and social impact research. While the EPA action was a proposed veto, and the Corps of Engineers is moving forward on the review of the Pebble permit, it is only fair to all that any such NEPA review be allowed to proceed without a proposed veto looming over it.

The House of Representatives Government Reform and Oversight Committee report and internal information from the EPA show that the 'Proposed Determination' on the Pebble deposit was based on a report (the Bristol Bay Watershed Assessment) that was initiated by biased EPA staff who colluded with environmental groups. The EPA also utilized shoddy analysis based on false facts in the report to draw conclusions to justify a 404c pre-permit veto.

We all know that under the Clean Water Act (CWA), the US Army Corps of Engineers (Corps) has the authority to grant permits while EPA has only the authority to veto permits. Under Section 404(a), the Corps evaluates a permit application (proposing a specific mine with specific control and mitigation measures) using guidelines it developed in conjunction with EPA and complies with NEPA and regulations developed by the Council on Environmental Quality. EPA, under 404(c), may then prohibit "the specification ... of any defined area" or deny or restrict the use of "any defined area for specification." Thus, the EPA should not act in the absence of a permit application detailing the specification and area of development.

In addition, President Trump believes that the EPA's use of 404(c) veto power is egregious as he proposed the elimination of the EPA's 404c authority in his recent Infrastructure proposal:

Eliminate duplicative oversight by removing EPA's authority to veto a 404 permit under Section 404(c). The Secretary of the Army, acting through the Chief of Engineers, has authority to grant permits for the discharge of dredged or fill material under Section 404 of the Clean Water Act. EPA can exercise veto authority prior to, during, and after permit decisions. The threat of the veto creates significant uncertainty and delays permit decisions, because project proponents and USACE address perceived concerns to avoid elevation or veto. Removing EPA's authority to veto a 404 permit would make the permitting process more efficient and predictable.

Lastly, we know that Pebble is moving forward with a permit application, under a settlement agreement, that is based on a vastly different mine plan than the false analysis the EPA used for the 'Proposed Determination.' Thus, another reason the 'Proposed Determination' should be discarded in its entirety and have the EPA utilize the facts that will be determined by the Corps in making any new 404c determination.

We agree with the Wall Street Journal's concern regarding the blunt power of the 404c as a weapon that "...makes the [EPA] a super-regulator able to kill any mine, pipeline, bridge or oil well before companies can make a case, and regardless of support by one of the 50 states."

We appreciate your efforts in trying to unwind the restrictive federal regulatory legacy the previous administration heaped upon the United States of America. However, we urge you to not allow the 404c pre-permit veto precedent to stand as well—be it for mining, oil and gas production, pipelines, solar energy, ranching and farming, and others.

Once again, we urge you to move forward the withdrawal of the Proposed Determination and bring the EPA back under the rule of law and fair process.

Sincerely,

American Exploration and Mining Association
10 N. Post Street, Suite 305
Spokane, WA 99201

National Stone, Sand, and Gravel Association
66 Canal Center Plaza, Suite 300
Alexandria, VA 22314

Arizona Rock Products Association
916 W Adams Street
Phoenix, AZ 85007

Colorado Mining Association
216 16th Street, Suite 1250
Denver, CO 80202

Montana Mining Association
P.O. Box 1026
Whitehall, Montana 59759

Mining Minnesota
PO Box 16666
Duluth, MN 55816

Oregon Concrete and Aggregate
737 13th Street SE
Salem, OR 97301

Texas Mining and Reclamation Association(TMRA)
2802 Flintrock Trace, Suite 230
Austin, TX 78738

Utah Mining Association
4286 South Main Street
Murray, Utah 84107

Message

From: Edward Lewis (TMNA) [ed.lewis@toyota.com]
Sent: 4/25/2018 7:35:37 PM
To: Press [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: Press Releases

●● PROTECTED 関係者外秘

Please place me on your list whenever there is an EPA news release on fuel economy.

Thanks,
Ed

Ed Lewis
Director, Public Policy Communications
Toyota Motor North America
Corporate Communications
325 7th Street, NW Suite 1000
Washington, DC 20004

W: **Ex. 6**
C:

Ed.Lewis@Toyota.com
www.Toyota.com/US

Message

From: Jones, Enesta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=65B8E6C6E5CA4A7A9AE85D98A4C8EEDB-EJONES02]
Sent: 8/2/2018 1:06:39 PM
To: Scott Hall [SHall@autoalliance.org]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: Re: EPA and U.S. DOT NHTSA Officials Host Pen and Pad Conference Call on New Fuel Economy Standards for MY 2021-2026 Vehicles

To participate, please RSVP to NHTSAmedia@dot.gov. You will be provided the dial-in number at that time.

On Aug 2, 2018, at 9:06 AM, Scott Hall <SHall@autoalliance.org> wrote:

Hello, the Auto Alliance has RSVP'd, but have not received a call-in number. Can you please help?

From: EPA Press Office [<mailto:press=epa.gov@cmail20.com>] **On Behalf Of** EPA Press Office
Sent: Thursday, August 02, 2018 7:36 AM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: EPA and U.S. DOT NHTSA Officials Host Pen and Pad Conference Call on New Fuel Economy Standards for MY 2021-2026 Vehicles

EPA and U.S. DOT NHTSA Officials Host Pen and Pad Conference Call on New Fuel Economy Standards for MY 2021-2026 Vehicles

.....

WASHINGTON (August 2, 2018) — Today, August 2, at 9:00 A.M. ET, officials from the Environmental Protection Agency and U.S. Department of Transportation will host a pen and pad conference call to discuss proposed national fuel economy standards for MY 2021-2026 vehicles.

WHAT: Pen and pad press conference call to discuss proposed national fuel economy standards for MY 2021-2026 vehicles.

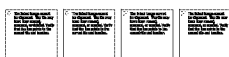
WHO: Bill Wehrum, EPA Assistant Administrator
Heidi King, NHTSA Deputy Administrator

DATE: Thursday, August 2, 2018

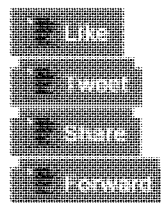
TIME: 9:00-9:30 A.M. ET

To participate, please RSVP to NHTSAmidia@dot.gov. You will be provided the dial-in number at that time.

<https://usenvironmentalprotectionagency.cmail20.com/t/d-l-bddwdl-alydlulij-r/>
style='width:117pt;height:49.05pt;mso-left-percent:-10001;mso-top-percent:-10001;mso-position-horizontal:absolute;mso-position-horizontal-relative:char;mso-position-vertical:absolute;mso-position-vertical-relative:line;mso-left-percent:-10001;mso-top-percent:-10001' arsize="5898f" o:button="t" fillcolor="#339e35" stroked="f">



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



[Unsubscribe](#)

<image001.png>

Message

From: Jones, Enesta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=65B8E6C6E5CA4A7A9AE85D98A4C8EEDB-EJONES02]
Sent: 8/2/2018 1:06:29 PM
To: Amandine Muskus [amuskus@globalautomakers.org]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: Re: Pen and Pad Conference Call on New Fuel Economy Standards for MY 2021-2026 Vehicles

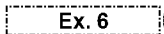
To participate, please RSVP to NHTSAmedia@dot.gov. You will be provided the dial-in number at that time.

On Aug 2, 2018, at 9:05 AM, Amandine Muskus <amuskus@globalautomakers.org> wrote:

Hi Ernesta,

I have RSVPed earlier today and have still not received a call-in number... Any help?

Amandine Muskus

 (direct)
amuskus@globalautomakers.org
<image002.png>

This e-mail is intended for the sole and exclusive use of Global Automakers, its member companies and their employees. Distribution or forwarding of these materials to any other person or entity is strictly prohibited, absent prior consent of Global Automakers.

EPA and U.S. DOT NHTSA Officials Host Pen and Pad Conference Call on New Fuel Economy Standards for MY 2021-2026 Vehicles

WASHINGTON (August 2, 2018) — Today, August 2, at 9:00 A.M. ET, officials from the Environmental Protection Agency and U.S. Department of Transportation will host a pen and pad conference call to discuss proposed national fuel economy standards for MY 2021-2026 vehicles.

WHAT: Pen and pad press conference call to discuss proposed national fuel economy standards for MY 2021-2026 vehicles.

WHO: Bill Wehrum, EPA Assistant Administrator
Heidi King, NHTSA Deputy Administrator

DATE: Thursday, August 2, 2018

TIME: 9:00-9:30 A.M. ET

To participate, please RSVP to NHTSAmidia@dot.gov. You will be provided the dial-in number at that time.

<image001.png>

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



[Unsubscribe](#)

Message

From: Brendan Samborn (TNA) [brendan.samborn@toyota.com]
Sent: 8/2/2018 11:58:16 AM
To: Press [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: CAFE Conference Call 8-2-18

Hello,

My name is Brendan Samborn, I am contacting you on behalf of Toyota Motor North America. We have been following the proposed changes to CAFE standards and would like to listen in on this morning's pen & pad call on the issue. I did send an email to NHTSAmidia@dot.gov , but have yet to receive a dial in number. Can you provide us with a dial in number for the conference call?

Thank you,
Brendan Samborn

Message

From: McMahon, Sean [Sean.McMahon@heritage.org]
Sent: 8/2/2017 4:11:27 PM
To: Press [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: EPA Distribution List

To whom it may concern:

I hope you are well. I want to introduce myself: I run executive branch relations for The Heritage Foundation.

I would like to be included in any press release lists, requests for public comment, public briefing invitations, think-tank/industry/stakeholder roundtables and such similar distribution lists.

If this is not the right email address for this request, would you please direct me accordingly?

Kind regards,

Sean McMahon

Sean McMahon
Manager, Executive Branch Outreach and Candidate Briefing Program
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
Ex. 6
heritage.org

Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 6/18/2018 2:55:54 PM
To: Robert Ordway [rordway@alec.org]
CC: Grant Kidwell [gkidwell@alec.org]
Subject: RE: Introduction to Grant Kidwell

Robert thanks for the introduction!

Grant if you have sometime if the coming weeks I would love to get together for coffee and chat? You can reach me at this email or Ex. 6

Michael Abboud
U.S. Environmental Protection Agency
Office of Public Affairs
M: Ex. 6

From: Robert Ordway [mailto:rordway@alec.org]
Sent: Monday, June 18, 2018 10:39 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Grant Kidwell <gkidwell@alec.org>
Subject: Introduction to Grant Kidwell

Hey Mike,

Per our chat yesterday, I'd like to introduce you to our Energy Environment and Agriculture (EEA) Task Force Director, Grant Kidwell. He came to ALEC from AFP late last year.

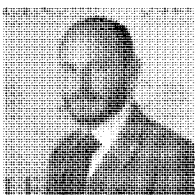
I am not sure where he is in the planning process for Annual Meeting in NOLA this August but I think he'd love the connection to the EPA.

Grant – I met Mike at a friends birthday party last Spring as he was Ex. 6 Great guy with a solid background.

Hope you gents are able to connect here soon.

Cheers,

Robert W. J. Ordway
Director – Commerce, Insurance and Economic Development
American Legislative Exchange Council
o. Ex. 6 c. Ex. 6 e. rordway@ALEC.org



Upcoming Meetings:

2018 Annual Meeting – August 8-10, 2018 – New Orleans, Louisiana

45th Anniversary Gala – September 26, 2018 – Washington, D.C.

2018 States & Nation Policy Summit – November 28-30, 2018 – Washington, D.C.

Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 4/3/2018 6:04:56 PM
To: Lucas, Fred [Fred.Lucas@heritage.org]
Subject: RE: memo
Attachments: Evaluation of Lease Agreement2018-03-30-152600.pdf

See attachment along with the two statements below.

“As EPA career ethics officials stated in a memo, Administrator Pruitt’s housing arrangement for both himself and family was not a gift and the lease was consistent with federal ethics regulations.” – EPA spokesman, Jahan Wilcox

“I don’t conclude that this is a prohibited gift at all. It was a routine business transaction and permissible even if from a personal friend.” - EPA Career Senior Counsel for Ethics, Justina Fugh (03/29/18)

From: Lucas, Fred [mailto:Fred.Lucas@heritage.org]
Sent: Tuesday, April 3, 2018 1:58 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: memo

Hi. Just wanted to circle back with you about the career ethics staff memo.

Would appreciate if you could send. Thanks.

Fred Lucas
White House Correspondent
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

Ex. 6
heritage.org



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

MAR 30 2018

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts

FROM: Kevin S. Minoli *KS*
Designated Agency Ethics Official &
Principal Deputy General Counsel

TO: Matthew Z. Leopold
General Counsel

As requested, the Ethics Office reviewed the lease agreement entered into by E. Scott Pruitt (TENANT) and Vicki Hart (LANDLORD) under the federal ethics regulations regarding gifts. The regulations issued by the Office of Government Ethics are clear that if a federal employee pays market value for something, it is by definition not a gift under those regulations. 5 C.F.R. 2635.203(b)(10)(excluding from the definition of gift "[a]nything for which market value is paid by the employee"). Market value for rental apartments is commonly thought of in terms of rental cost per month. Under the terms of the lease, if the space was utilized for one 30-day month, then the rental cost would be \$1500, which is a reasonable market value. The lease authorized use by the Administrator and his immediate family, specifically including his spouse and children, and consistent with that provision of the lease his immediate family did stay there when they were in Washington, DC. The lease did not require payment when the property was not utilized. Neither of these two provisions render the rental cost under the lease as something other than market value. Therefore, entering into the lease was consistent with federal ethics regulations regarding gifts, and use of the property in accordance with the lease agreement did not constitute a gift as defined in those regulations.